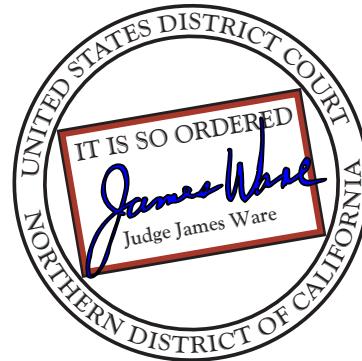


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7



8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
11
12

13 BARRY KLIFF, an individual,
14 Plaintiff,
15 vs.
16 HEWLETT-PACKARD COMPANY,
a Delaware Corporation; and DOES 1
through 50, inclusive.
17 Defendants.
18

19 CASE NO. C-05-01438 JW
Assigned to the Hon. James Ware

20 STIPULATION TO PERMIT LEAVE TO
AMEND COMPLAINT; [PROPOSED]
21 ORDER GRANTING LEAVE TO
AMEND
22

23 IT IS HEREBY STIPULATED by and between plaintiff Barry Kliff ("Plaintiff") and
24 defendant Hewlett Packard Company ("Defendant"), through their respective counsel of
record, follows:

25 1. The original complaint in this action was filed on April 5, 2005.

26 2. The pre-trial scheduling of this matter is set forth in the Court's Scheduling
Order dated August 3, 2005. The Preliminary Pre-trial and Trial Setting Conference is
27 currently set for October 23, 2006.
28

1 3. The parties participated in the Court-ordered Early Neutral Evaluation ("ENE")
2 program on December 15, 2005. The ENE was unsuccessful in amicably resolving the
3 dispute.

4
5 4. Both prior to and subsequent to the ENE, Plaintiff and Defendant's counsel have
6 taken depositions of Plaintiff and certain of Defendant's witnesses. Further sessions of
7 deposition are to be scheduled pursuant to agreement of counsel.

8
9 5. Plaintiff's counsel has forwarded to Defendant's counsel two drafts of a proposed
10 First Amended Complaint which, among other things, deletes any reference to Yvonne Hunt
11 as a "defendant" in the case. While defendant HP continues to deny and dispute the
12 allegations set forth in the First Amended Complaint, the parties have "met and conferred" as
13 precursor to Plaintiff filing a noticed Motion for Leave to Amend in order to obtain a Court
14 order permitting amendment to the complaint. In lieu of filing such a motion, defendant HP
15 has stipulated to permit the proposed amendments and intends to file an Answer thereto within
16 20 days of the date on which an Order allowing leave to amend is entered.

17
18 6. The parties agree that the amendments to the Complaint will not delay or impede
19 discovery or other pre-trial preparation of the case.

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1 7. Accordingly, Plaintiff and Defendant jointly request that the Court enter an order
2 granting Plaintiff leave to amend to file a First Amended Complaint in the same form as the
3 draft recently forwarded to Defendant's counsel (a copy of which is attached hereto as
4 Exhibit "A" and incorporated herein by this reference)..
5

6 Dated: April 16, 2006

LAW OFFICES OF BARRY B. KAUFMAN
A Professional Corporation

7 By: _____
8

9 Barry B. Kaufman
10 Attorney for Plaintiff Barry Kliff
11

12 Dated April 27, 2006

MORGAN, LEWIS & BOCKIUS LLP

13 By: _____
14

15 Alexander Nestor
16 Attorney for Defendant Hewlett-Packard
17 Company
18
19

20 **ORDER**

21 IT IS SO ORDERED. Plaintiff shall be (and hereby is) afforded leave to amend to
22 file his First Amended Complaint in the form attached hereto as Exhibit "A."

23 MAY 30
24 Dated: xxxxxx, 2006

25 _____
26 The Honorable James Ware
27 United States District Judge
28